

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BLACKBERRY LIMITED,
Plaintiff,
v.
TYPO PRODUCTS LLC,
Defendant.

Case No. 14-cv-00023-WHO

**ORDER SETTING BOND FOR
ISSUANCE OF PRELIMINARY
INJUNCTION**

Re: Dkt. No. 39

On March 28, 2014, I granted BlackBerry's motion for a preliminary injunction barring Typo from selling its Typo keyboard case. Dkt. No. 39. I ordered the parties to submit evidence concerning the proper amount of bond. The injunction was stayed until BlackBerry posted the bond in the amount ultimately determined by the Court. The parties have provided the required submissions concerning the amount of bond.

The amount of bond requested by Typo is wildly inappropriate given the relatively limited sales activity that Typo represented to the Court had occurred to date. Typo argued that the preliminary injunction should not issue in part because "[i]t is unfeasible that a small start-up company, running at an operating loss, who has approximately 4,000 units of a cell phone case containing a physical keyboard could seriously pose any threat to BlackBerry's market share or goodwill." Dkt. No. 25 at 25. The astronomical bond requested by Typo is incompatible with that argument.

BlackBerry argues that no bond is required because there is no reasonable likelihood of harm from enjoining Typo's conduct. In the alternative, BlackBerry argues that if a bond is required, \$500,000 is adequate. Having reviewed the parties' submissions, I agree that \$500,000

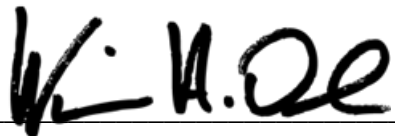
1 is more than adequate to compensate Typo in the event that it is later found to have been
2 improperly enjoined.

3 **CONCLUSION**

4 BlackBerry is ordered to post bond in the amount of \$500,000 as soon as practicable but in
5 no event later than Friday, April 18, 2014. The preliminary injunction shall take effect as soon as
6 BlackBerry post bonds and files notice of the same with the Court.

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8 **IT IS SO ORDERED.**

9 Dated: April 11, 2014

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11 WILLIAM H. ORRICK
12 United States District Judge
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